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73.(new) A vaccine composition comprising the polypeptide of claim 3 and a pharmaceutically acceptable carrier.

C2 74.(new) A vaccine composition comprising the polypeptide of claim 4 and a pharmaceutically acceptable carrier.

75.(new) The vaccine composition of claim 72, further comprising an adjuvant.

76.(new) The vaccine composition of claim 73, further comprising an adjuvant.

77.(new) The vaccine composition of claim 74, further comprising an adjuvant.

Remarks

Applicants note with appreciation the withdrawal of the rejections previously made under 35 U.S.C. 112, first and second paragraphs, and 35 U.S.C. 103(a).

Applicants have amended the claims to further clarify the claim language. Claims 1-4 have been amended to replace the transitional term "comprising" with "consisting essentially of." In view of these amendments, claims 2 and 3 were amended to be independent claims, referring to SEQ ID NOs:4 and 5, respectively. No new matter has been added.

New claims 58-65 correspond essentially to claims 5 and 6 as originally filed. New claims 66 and 67 correspond to claim 7, with different dependencies based on the amendments made to claims 1-3 made herewith. New claims 68-71 correspond to original claim 9, with different dependencies. New claims 72-77 correspond to claims 42 and 43 as filed, with different dependencies. None of the new claims necessitate further search or examination, as they correspond closely to the pending claims and depend from already examined claims. No new matter has been added.

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Rejections Under 35 U.S.C. 112, First Paragraph**Written Description**

The Examiner rejected claims 1-2, 4, 7, 8, 42 and 43 as not having an adequate written description in the specification. Applicants have made amendments to the claims and respectfully request reconsideration of the claims as amended.

Specifically, Applicants have amended the claims to recite that the claimed peptides consist essentially of specific sequences. Applicants note that the transitional claim term "consisting essentially of" is not open language. As interpreted by the courts, this term means that the claimed product contains the specified element(s), and may also contain additional elements that do not materially alter the nature of the composition. Ingredients that would affect the basic and novel characteristics of the product defined in the claim are excluded by the use of the term "consisting essentially of." In re Garnero, 412 F2d 276, 162 USPQ 221 (CCPA 1969). Accordingly, the scope of a claim with this term is not coextensive with a claim using open language such as "comprising."

The Examiner indicated that the claims were adequately described for variants having one amino acid addition, deletion or substitution in combination with closed language. Because the amendments to the claims restrict the previously open language, Applicants assert that the claims as amended meet the written description requirement. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of the claims as lacking and adequate written description in view of the amendments to the claims.

Enablement

The Examiner maintained the rejections of claims 1-4, 7, 8, 42 and 43 as not enabled by the specification. As described above, Applicants have amended the claims to restrict the scope of the claimed isolated MAGE-A12 HLA class I-binding peptides, and in view of these amendments, respectfully request that the enablement rejection be withdrawn.

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Rejection Under 35 U.S.C. 112, Second Paragraph

The Examiner rejected claims 1-4, 7, 8, 42 and 43 as being indefinite.

Applicants have amended the claims to recite the singular term "substitution" as suggested by the Examiner.

In view of the claims amendments and arguments presented above, Applicants respectfully request that the rejection of claims 1-4, 7, 8, 42 and 43 as indefinite be withdrawn.

In view of the amendments and the arguments presented above, Applicants respectfully request that the rejections of the claims be withdrawn. If the Examiner wishes to expedite the prosecution of this application in any way, then the Examiner is invited to contact the Applicants' representative at the telephone number listed below.

Respectfully submitted,

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Amended Claims

1.(twice amended) An isolated MAGE-A12 HLA class I-binding peptide [comprising] consisting essentially of the amino acid sequence of SEQ ID NO:6, or a functional variant thereof which binds a HLA class I molecule [comprising] and which consists essentially of the amino acid sequence of SEQ ID NO:6 with one amino acid addition, substitution[s] or deletion.

2.(twice amended) An [The] isolated MAGE-A12 HLA class I-binding peptide [of claim 1 wherein the isolated peptide comprises an] consisting essentially of the amino acid sequence [selected from the group consisting] of SEQ ID NO:4, [SEQ ID NO:5, fragments thereof comprising SEQ ID NO:6, and] or a functional variant[s] thereof which binds a HLA class I molecule [comprising] and which consists essentially of the amino acid sequence of SEQ ID NO:4 with one amino acid addition, substitution or deletion.

3.(twice amended) An [The] isolated MAGE-A12 HLA class I-binding peptide [of claim 1 wherein the isolated peptide consists of an] consisting essentially of the amino acid sequence [selected from the group consisting] of [SEQ ID NO:4,] SEQ ID NO:5, [SEQ ID NO:6, fragments thereof comprising SEQ ID NO:6, and] or a functional variant[s] thereof which binds a HLA class I molecule [comprising] and which consists essentially of the amino acid sequence of SEQ ID NO:5 with one amino acid addition, substitution or deletion.

4.(twice amended) An isolated MAGE-A12 HLA class I binding peptide [comprising] consisting essentially of a fragment of the amino acid sequence of SEQ ID NO:2 which binds HLA Cw*07, or a functional variant thereof [comprising] which consists essentially of the fragment of the amino acid sequence of SEQ ID NO:2 with one amino acid addition, substitution or deletion, wherein the functional variant binds HLA Cw*07.